

REMARKS/ARGUMENTS

In the Office Action mailed February 19, 2008, claims 1, 3 – 6, and 8 – 15 were rejected and claims 5 and 9 were objected to. Claims 11 – 13 were withdrawn from consideration. In response, Applicants have amended claims 1, 6, and 10, added new claim 16, and canceled claims 5, 9, and 11 – 15. Applicants hereby request reconsideration of the application in view of the amended claims, the new claim, and the below-provided remarks.

Claims 1, 3, 4, 8, 10, 14, and 15 were rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter.

Allowable Subject Matter

Claims 5 and 9 are identified as being objected to. No other ground of rejection is identified for claims 5 and 9.

Claim 1

Claim 1 has been amended to incorporate the limitations of dependent claim 5. Because amended claim 1 includes all of the limitations of claim 5, Applicants assert that claim 1 is in allowable condition. Claim 5 has been canceled.

Claim 6

Claim 6 has been amended to incorporate the limitations of dependent claim 9. Because amended claim 6 includes all of the limitations of claim 9, Applicants assert that claim 6 is in allowable condition. Claim 9 has been canceled.

Claim 10

Claim 10 has been amended to incorporate the limitations of dependent claim 5. Because amended claim 10 includes all of the limitations of claim 5, Applicants assert that claim 10 is in allowable condition. Claim 10 has also been amended to recite a “storage media” instead of a “computer program.” Applicants assert that a storage media that stores a computer program is patentable subject matter under 35 U.S.C. 101.

New Claim 16

New claim 16 incorporates the limitations of claims 1, 14, and 15 as previously presented. Additionally, new claim 16 particularly points out that a result of the biometric identification is output to a display. Applicants assert that new claim 16 is directed to statutory subject matter under 35 U.S.C. 101.

Firstly, Applicants point out that the claimed invention as a whole has utility, namely biometric identification, see paragraph [0010] of Applicants disclosure. Secondly, Applicants point out that the claimed invention falls within the enumerated statutory category of a process because the claim requires one or more acts to be performed. Because the claimed invention has utility and because the claimed invention falls within the enumerated statutory category of a process, Applicants assert that claim 16 is directed to statutory subject matter. Thirdly, Applicants assert that claim 16 recites subject matter that produces a useful, concrete, and tangible result. The subject matter of claim 16 is useful because the matching result is used for biometric identification. The claimed invention is concrete because the process will repeatedly produce the same matching result given the same first set of points and the same second set of points. The claimed invention is tangible because the result of the biometric identification is a real-world result that is displayed on a display.

CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the proposed amendments and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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